

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 1:08CR121

DAMION LUNDY

ORDER

This cause is before the Court on the defendant's Motion for Continuance [17]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for October 19, 2009. Counsel for defendant seeks a continuance on grounds that additional discovery from the government may be forthcoming. In addition, one of defendant's attorneys has a calendar conflict as a result of another trial setting. The government does not object to the requested continuance. Based on the foregoing, the Court finds that the defendant's motion is well-taken and should be granted.

These circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(7)(A), the period of delay from October 19, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because a continuance is necessary to afford defendant additional time to complete discovery, to prepare a defense to the pending charges and to ensure the availability of defense counsel at the trial of this cause. Therefore, the Court finds that the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The defendant's Motion for Continuance [17] is GRANTED;
2. That the trial of this matter is continued until Monday, December 14, 2009 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi; multiple voir dire is to be held at the same time and place;
3. That the delay from October 19, 2009 until December 14, 2009 is excluded as set out above;
4. That the deadline for filing pretrial motions is November 23, 2009;
5. That the deadline for submitting a plea agreement is November 30, 2009.

SO ORDERED, this the 8th day of October, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE